

SENATE BILL No. 237

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-21-2.

Synopsis: Regulation of abortion clinics. Requires the state department of health to establish procedures to determine whether an abortion clinic is complying with the laws governing abortion and child abuse or neglect reporting. Prohibits the state department from granting an exemption to an abortion clinic concerning abortion clinic physical plant specifications.

Effective: July 1, 2006.

Kruse

January 9, 2006, read first time and referred to Committee on Health and Provider Services.

C
o
p
y



Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 237

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-21-2-2.5, AS ADDED BY P.L.96-2005,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 2.5. (a) The state department shall adopt rules
4 under IC 4-22-2 to do the following concerning birthing centers and
5 abortion clinics:
6 (1) Establish minimum license qualifications.
7 (2) Establish the following requirements:
8 (A) Sanitation standards.
9 (B) Staff qualifications.
10 (C) Necessary emergency equipment.
11 (D) Procedures to provide emergency care.
12 (E) Quality assurance standards.
13 (F) Infection control.
14 (3) Prescribe the operating policies, supervision, and maintenance
15 of medical records.
16 (4) Establish procedures for the issuance, renewal, denial, and
17 revocation of licenses under this chapter. The rules adopted under

2006

IN 237—LS 6684/DI 104+



C
o
p
y

1 this subsection must address the following:

2 (A) The form and content of the license.

3 (B) The collection of an annual license fee.

4 (5) Prescribe the procedures and standards for inspections.

5 **(b) The state department shall adopt rules under IC 4-22-2 to do**
 6 **the following concerning abortion clinics:**

7 **(1) Establish policies and procedures to enforce:**

8 **(A) IC 16-34-2; and**

9 **(B) IC 31-33-5;**

10 **including the revocation or denial of a clinic's license for**
 11 **failure to show compliance with these statutes.**

12 **(2) Establish requirements that require an abortion clinic to**
 13 **have:**

14 **(A) a written policy; and**

15 **(B) documentation on a patient's medical record;**

16 **to show compliance with IC 16-34-2 and IC 31-33-5.**

17 **(c) The state department shall:**

18 **(1) report an abortion clinic's failure to comply with**
 19 **IC 16-34-2 or IC 31-33-5 to the attorney general; and**

20 **(2) provide the attorney general with any evidence of the**
 21 **noncompliance.**

22 **The attorney general has authority to investigate an abortion**
 23 **clinic's noncompliance with IC 16-34-2 and IC 31-33-5.**

24 **(d) If the attorney general determines after an investigation that**
 25 **an abortion clinic has not complied with IC 16-34-2 or IC 31-33-5,**
 26 **the attorney general shall:**

27 **(1) refer the case to the prosecuting attorney of the county in**
 28 **which the abortion clinic is located; and**

29 **(2) provide the prosecuting attorney with any evidence the**
 30 **attorney general has compiled on the case.**

31 **(~~b~~) (e) A person who knowingly or intentionally:**

32 **(1) operates a birthing center or an abortion clinic that is not**
 33 **licensed under this chapter; or**

34 **(2) advertises the operation of a birthing center or an abortion**
 35 **clinic that is not licensed under this chapter;**

36 **commits a Class A misdemeanor.**

37 **SECTION 2. IC 16-21-2-2.7 IS ADDED TO THE INDIANA CODE**
 38 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 39 **1, 2006]: Sec. 2.7. The state department may not exempt an**
 40 **abortion clinic from the abortion clinic physical plant**
 41 **specifications adopted by the state department by rule under**
 42 **IC 4-22-2.**

C
O
P
Y

